IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7817 of 2007()

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CRMP.3742/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.319/07 OF CHADAYAMANGALAM POLICE STATION

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: PETITIONER/IST ACCUSED

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DINIL KUMAR, S/O.GOPALAKRISHNA PILLA,
JAYASREE NIVAS, NILAMEL P.O., KOLLAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.7817 of 2007**

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**Dated this the 19th day of December, 2007**

**ORDER**

Application for anticipatory bail. Petitioner is the 1st accused. He is the husband of the defacto complainant. Crime has been registered under Section 498 A I.P.C on the basis of a private complaint filed before the learned Magistrate and referred by the Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The marriage took place on 3.2.06. One child has been born in the matrimony. According to the petitioner, strain in the matrimony is prompting the defacto complainant to make reckless, false and vexatious allegations against the petitioner.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. The learned Public Prosecutor submits that the victim has not suffered any external injury corresponding to the allegations of physical cruelty. I am satisfied that anticipatory bail can be granted to the petitioner.

In coming to this conclusion, I take note of the reality that arrest and incarceration of the petitioner is likely to mar the matrimonial tie beyond repair. Appropriate conditions can of course be imposed.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 26.12.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 27.12.2007 and 28.12.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 26.12.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 26.12.07.

**(R.BASANT, JUDGE)**

rtr/-